

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

GREATER BOSTON LEGAL SERVICES, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HOMELAND
SECURITY, *et al.*,

Defendants.

**DEFENDANTS'
CERTIFICATION**

Case No.: 1:21-cv-10083-DJC

I, Ashley B. Caudill-Mirillo, declare as follows:

1. I am the Deputy Chief, Asylum Division, Refugee, Asylum and International Operations Directorate, United States Citizenship and Immigration Services (USCIS).

2. The following declaration is based on my personal knowledge and information acquired in my official capacity and in the performance of my official functions, as well as upon reasonable inquiry of appropriate DHS databases and personnel regarding affirmative asylum processing and adjudications.

3. I certify that the Amended Index attached hereto reflects, to the best of my knowledge, a true and complete description of the non-privileged documents that were directly or indirectly considered in connection with the promulgation of 8 C.F.R. § 208.12(b) and 8 C.F.R. § 240.69, as well as the agency's guidance and procedures regarding exchanging information and documents with affirmative asylum applicants and their counsel during USCIS's adjudication of the applicant's Form I-589, Application for Asylum and for Withholding of Removal.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 18, 2023

ASHLEY B
CAUDILL
MIRILLO

 Digitally signed by ASHLEY
B CAUDILL MIRILLO
Date: 2023.09.18 13:06:31
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ASHLEY B. CAUDILL-MIRILLO

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GREATER BOSTON LEGAL SERVICES, *et al.*,

Plaintiffs,

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UNITED STATES DEPARTMENT OF HOMELAND
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**AMENDED INDEX OF
CERTIFIED ADMINISTRATIVE
RECORD**

Case No.: 1:21-cv-10083-DJC

AMENDED INDEX OF CERTIFIED ADMINISTRATIVE RECORD

| DOCUMENT NUMBER | DESCRIPTION/TITLE | BEGINNING BATES | ENDING BATES |
|----------------------------|--|----------------------------|-------------------------|
| 1 | DOJ, INS, Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures (NPRM), 62 FR 444 (Jan. 3, 1997) | USCIS00000001 | USCIS000000074 |
| 2 | DOJ, INS, Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures (IFR), 62 FR 10312 (Mar. 6, 1997) | USCIS000000075 | USCIS000000158 |
| 3 | DOJ, INS, INS No. 1788-96 Doc 1, Public Comments, 1997 | USCIS00000159 | USCIS00000418 |
| 4 | DOJ, INS, INS No. 1788-96 Doc 2, Public Comments, 1997 | USCIS00000419 | USCIS00000684 |
| 5 | DOJ, INS, INS No. 1788-96 Doc 3, Public Comments, 1997 | USCIS00000685 | USCIS00000838 |
| 6 | DOJ, INS, INS No. 1788-96 Doc 4, Public Comments, 1997 | USCIS00000839 | USCIS00001042 |
| 7 | DOJ, INS, INS No. 1788-96 Doc 5, Public Comments, 1997 | USCIS00001043 | USCIS00001245 |
| 8 | DOJ, INS, INS No. 1788-96 Doc 6, Public Comments, 1997 | USCIS00001246 | USCIS00001351 |

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| 9 | DOJ, INS, INS No. 1788-96 Doc 7, Public Comments, 1997 | USCIS00001352 | USCIS00001581 |
| 10 | DOJ, INS, INS No. 1788-96 Doc 8, Public Comments, 1997 | USCIS00001582 | USCIS00001844 |
| 11 | DOJ, INS, INS No. 1788-96 Doc 9, Public Comments, 1997 | USCIS00001845 | USCIS00002107 |
| 12 | DOJ, INS, Asylum Procedures (Final Rule), 65 FR 76121 (Dec. 6, 2000) | USCIS00002108 | USCIS00002125 |
| 13 | Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries (NPRM), 63 FR 64895 (Nov. 24, 1998) | USCIS00002126 | USCIS00002144 |
| 14 | DOJ, Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries (IFR), 64 FR 27856 (May 21, 1999) | USCIS00002145 | USCIS00002171 |
| 15 | DOJ, INS, INS No. 1915-98 Part 1, Public Comments, 1999 | USCIS00002172 | USCIS00002394 |
| 16 | DOJ, INS, INS No. 1915-98 Part 2, Public Comments, 1999 | USCIS00002395 | USCIS00002611 |
| 17 | DOJ, INS, INS No. 1915-98 Part 3, Public Comments, 1999 | USCIS00002612 | USCIS00002795 |
| 18 | DOJ, INS, INS No. 1915-98 Part 4, Public Comments, 1999 | USCIS00002796 | USCIS00002989 |
| 19 | DOJ, INS, INS No. 1915-98 Part 5, Public Comments, 1999 | USCIS00002990 | USCIS00003170 |
| 20 | I-589, Application for Asylum and for Withholding of Removal | USCIS00003171 | USCIS00003182 |
| 21 | I-589 Instructions to Application for Asylum and For Withholding of Removal | USCIS00003183 | USCIS00003196 |
| 22 | Affirmative Asylum Procedures Manual Table Of Contents | USCIS00003197 | USCIS00003198 |
| 23 | Affirmative Asylum Procedures Manual Section II.I., Applicant Arrives for Interview | USCIS00003199 | USCIS00003203 |
| 24 | Affirmative Asylum Procedures Manual Section II.J., AO Conducts an Asylum Interview | USCIS00003204 | USCIS00003224 |
| 25 | Affirmative Asylum Procedures Manual Section II.K., AO Concludes an Asylum Interview | USCIS00003225 | USCIS00003227 |

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| 26 | Affirmative Asylum Procedures Manual Section II.N., AO Prepares a Decision | USCIS00003228 | USCIS00003230 |
| 27 | Affirmative Asylum Procedures Manual Section II.Q., Asylum Office Serves the Decision on the Applicant | USCIS00003231 | USCIS00003233 |
| 28 | Affirmative Asylum Procedures Manual, Section IV.A., Write an Assessment or NOID | USCIS00003234 | USCIS00003234 |
| 29 | Refugee, Asylum and International Operations Directorate Officer Training Asylum Division Officer Training Course, Decision Writing Part I | USCIS00003235 | USCIS00003250 |
| 30 | Affirmative Asylum Procedures Manual, Section IV.B., Prepare a Decision Letter | USCIS00003251 | USCIS00003251 |
| 31 | Affirmative Asylum Procedures Manual, Section IV.C., Prepare a Notice to Appear (NTA) | USCIS00003252 | USCIS00003252 |
| 32 | Interview Notice | USCIS00003253 | USCIS00003255 |
| 33 | Referral Notice; Referral After Notice of Intent to Deny (NOID) with Rebuttal – Over 150 Days | USCIS00003256 | USCIS00003258 |
| 34 | Referral Notice – Less than 150 Days Elapsed | USCIS00003259 | USCIS00003261 |
| 35 | Referral Notice – Over 150 Days | USCIS00003262 | USCIS00003264 |
| 36 | Notice of Intent to Deny (NOID) | USCIS00003265 | USCIS00003295 |
| 37 | Referral After Notice of Intent to Deny (NOID) No Rebuttal – Less than 150 Days | USCIS00003296 | USCIS00003298 |
| 38 | Referral After Notice of Intent to Deny (NOID) No Rebuttal – Over 150 Days | USCIS00003299 | USCIS00003301 |
| 39 | Referral After Notice of Intent to Deny (NOID) with Rebuttal – Less than 150 Days | USCIS00003302 | USCIS00003304 |
| 40 | Final Denial Notice | USCIS00003305 | USCIS00003306 |
| 41 | Affirmative Asylum Approval Notice | USCIS00003307 | USCIS00003309 |
| 42 | Retention of Original Documents | USCIS00003310 | USCIS00003310 |
| 43 | USCIS Records Manual – Table of Contents | USCIS00003311 | USCIS00003315 |
| 44 | USCIS Records Manual – Table of Revisions | USCIS00003316 | USCIS00003324 |

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| 45 | USCIS Records Manual Vol.3-Part B, Chapter 7, Record of Proceedings (ROP) | USCIS00003325 | USCIS00003329 |
| 46 | Form, G-639, Freedom of Information/Privacy Request | USCIS00003330 | USCIS00003340 |
| 47 | <i>Nightingale, et al. v. USCIS et al.</i> , Case No. 3:19-cv-03512-WHO, Declaration of Tammy M. Meckley, October 21, 2020, ECF No. 75-2 | USCIS00003341 | USCIS00003362 |
| 48 | <i>Nightingale, et al. v. USCIS et al.</i> , Case No. 3:19-cv-03512-WHO, Declaration of Tammy M. Meckley, March 15, 2023, ECF No. 151-1 | USCIS00003363 | USCIS00003368 |
| 49 | USCIS, FOIA/PA Check Status dated May 18, 2023, also available at https://first.uscis.gov/#/check-status , which updates processing rates daily to cover the prior 14 day period. | USCIS00003369 | USCIS00003370 |
| 50 | Affirmative Asylum Procedures Manual, Section III.J.5 File Management, Record Order | USCIS00003371 | USCIS00003371 |
| 51 | Affirmative Asylum Procedures Manual, Section IV.E. Prepare an I-94 Card. | USCIS00003372 | USCIS00003372 |